

January 23, 2003

VIA ELECTRONIC FILING



Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 12th Street, S.W.
Washington, D.C. 20554

Re: Written *Ex Parte* Presentation: Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Band (IB Docket No. 01-185); Amendment Of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service (ET Docket No. 95-18)

Dear Secretary Dortch:

In our comments in the Commission's ATC proceeding (IB Docket No. 01-185; ET Docket No. 95-18), The Boeing Company ("Boeing") supported the adoption of certain changes to the Commission's licensing and service rules to accommodate an Ancillary Terrestrial Component ("ATC") and added flexibility for Mobile-Satellite Service ("MSS") operators in the 2 GHz band. Boeing's support was subject to the resolution of specific interference issues related to Boeing Air Traffic Management ("ATM") system operation.

As the Commission considers "gating requirements" regarding ATC, we reiterate our support for ATC and flexibility. While ATC must be ancillary to primary satellite-based operations, ultimate ATC system design should be left to satellite operators. This is consistent with extensive Commission precedent. Further, because the economic and technical tradeoffs will vary for each system and its service objectives, there must be technical and operational flexibility in the Commission's rules on ATC.

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As an MSS licensee at 2 GHz, Boeing also urges the Commission to quickly finalize its ATC rules. The matter is of particular importance because MSS licensees are required in July 2003 to meet their Commission-imposed Critical Design Review (“CDR”) milestones. For those 2 GHz MSS licensees wishing to include an ATC in their systems, effectively incorporating ATC plans within the current milestone timetable will be extremely challenging.

Pursuant to Section 1.49(f)(1) of the Commission’s rules, an electronic version of this *ex parte* is being furnished for inclusion in the above-captioned dockets. Please contact the undersigned with any questions.

Sincerely,

/s/ Michael Fitch
Michael Fitch
Director, Spectrum Management
Homeland Security and Services
The Boeing Company
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